

**TRANSPORTATION RULES
OF
GEORGIA PUBLIC SERVICE COMMISSION
CHAPTER 2: PRACTICE AND PROCEDURE**

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2-1.1 Opinions of Commissioners.

Every member of the Commission will, in all cases, reserve his opinion and in no way commit himself in advance touching the merits of any matter or question to be passed upon by the Commission, or that should be dealt with by it, until the facts and evidence are all submitted and the Commission considers the same in administrative session. In all matters which relate to the making of rates and which may become the subject of litigation, no member shall make any statement after such matter has been decided by the Commission which may be or is liable to be treated as an admission prejudiced to the action of the Commission. In all cases, and on all questions, any member may file his dissenting opinion when in the minority, or his reasons and grounds for his opinion when in the majority.

2-1.2 Administrative Sessions.

Administrative Session meetings shall be held on the first and third Tuesday of each month at ten o'clock a.m., in the offices of the Commission in the State Offices Building, 244 Washington Street, S.W., at Atlanta, Georgia, (See Note) when a quorum is present, unless postponed by the Chairman, and there shall be such adjourned meetings as may be called, or postponed by the Chairman on his own motion, or on request of any two members. Such meetings shall be open to the public as provided by law. A majority of the Commission shall constitute a quorum for the transaction of business.

NOTE: While the Commission's General Offices at 244 Washington Street are under renovation, the temporary offices of the Commission are located at 47 Trinity Avenue, S.W., Atlanta, Georgia 30334.

2-1.3 Publication of Commission Decisions.

Any action taken by the Commission under the provisions of O.C.G.A. §46-2-25 shall be reduced to writing by the Commission and signed by the Chairman and Secretary thereof or by the Commission's designee. All such actions and orders shall be effective from the date such actions are reduced to writing and are signed as herein provided. No such action or order of the Commission may be given retroactive effect. A full and complete record shall be kept of the votes taken in connection with any such action, said record to be spread upon the official minutes

of the Commission. When any matter is published by a member or officer or Division Director of the Commission, the same is his individual act or declaration, and not the act of the Commission.

2-1.4 Applications and Petitions.

(a) All applications and petitions for Interim Certificates of Public Convenience & Necessity will be filed in such form as prescribed by the Commission. All applications must be accompanied by a current financial statement and an affidavit executed by an officer of the applicant corporation (if a corporation), applicant's owner (if a proprietorship), or a partner (if applicant is a partnership), containing information describing the number and types of vehicles being used and description of the area proposed to be serviced.

(b) In proceedings involving applications for Interim Certificates of Public Convenience & Necessity, thirty (30) day's notice will be given. Publication of notice of assignment of hearing in the Fulton County Daily Report and posting a copy of the Transportation Division notice of assignment of hearing on the Commission's website at <http://www.psc.state.ga.us> will constitute notice.

(c) After notice has been posted for a period of ten (10) days if no protests have been received, the Commission will place application on the next Transportation Committee Agenda for consideration. If the Commission finds that application is in order at the Transportation Committee meeting, the application will be placed on the Administrative Session Agenda for approval to issue a twelve (12) month interim certificate.

(d) If application is protested, the respective parties must present oral testimony at the scheduled hearing. Copies of the application and supporting documents must be served upon the opposite party, his counsel or agent having control of the case not less than 5 days prior to the date matter has been assigned for hearing.

(e) Any motor carrier or motor carrier representative desiring to appear before the Commission at public hearing in opposition to an application seeking an interim certificate or amendment to existing certificate, need not file a formal petition for such appearance, but may become a party protestant at the public hearing provided he has notified the applicant and the Commission of his intention to appear at the hearing to protest the application. Such notification and request shall be made by letter or fax so as to reach applicant and the Commission at least fifteen (15) days prior to the assigned hearing date. No person who fails to so notify the applicant and the Commission as provided for above will be permitted to intervene in such a proceeding before the Commission except upon a showing of substantial reasons submitted in writing to the Commission prior to the hearing. Nothing in this rule shall be construed to deny any member of the general public the right to appear at public hearing to protest such application, and the Commission reserves the right, in its discretion, to waive the provisions of this portion of the rule.

(f) After applicant and protestant have presented all evidence and testimony at the public hearing, the Commission will take the matter under advisement and render a decision accordingly in the matter. If the Commission issues a favorable decision, a twelve (12) month interim certificate will be issued.

(g) Prior to the end of the twelve (12) month period, the Commission staff will review the carrier's records to determine the actual area being served and whether any complaints have been received. At that time the findings would be brought before the Commission for approval or denial of permanent certificate.

2-1.5 Complaints.

All complaints made to the Georgia Public Service Commission involving motor carriers must plainly and distinctly state the grounds thereof, all being set forth in writing. In like manner, all defenses must be made in writing and must plainly and distinctly state the grounds thereof. The complaint must be accompanied by supporting documentation such as invoice, bill of lading and/or claim forms. The Commission is not empowered to adjudicate disputed claims. If the involved parties reach an impasse, the parties would have to be referred to the appropriate court of competent jurisdiction for further resolution.

2-1.6 Public Hearings.

Unless otherwise directed by the Commission, all applications, petitions or complaints, filed with the Commission, or actions initiated by the Commission prior to the second Friday of the month, shall be assigned for hearing on the fourth Tuesday of the following month or on any other date designated by the Commission.

2-1.7 Parties of Record.

(a) At the hearing on all protested applications, petitions and complaints, the Chairman of the Commission or the Commission's designee shall call for and enter the names of all parties desiring to become a party of record, either for or against the docketed case being heard. In the discretion of the Commission, parties having made written intervention prior to the hearing may be entered as a party of record.

(b) The Commission may, in its discretion and for good cause shown, authorize the late filing, or entering, of a notice of intervention.

(c) The Commission may, in its discretion, permit any person to present a statement of his position and views in sworn form, but such person shall not be entitled to receive copies of notices, motions, orders or other pleadings and documents, filed or issued in the proceeding, unless otherwise directed by the Commission on good cause shown.

2-1.8 Rehearing, Reconsideration and Oral Argument.

If any party of record in a matter decided by the Commission in a formal proceeding or by modified procedure be dissatisfied with the order or decision of the Commission, application shall be made within ten days from receipt of the final decision thereof by written petition, to the Commission for rehearing, reconsideration and oral argument, alleging with particularity the matters claimed to have been erroneously decided and the alleged errors and the relief sought, together with a certificate that a copy of such petition has been furnished all parties of record. If, in the opinion of the Commission, good cause has been alleged in said petition for rehearing, reconsideration and oral argument, the Commission shall, within thirty days, either assign such petition for hearing or conference, or reopen the original hearing for introduction of additional evidence and give all parties of record not less than ten days' notice thereof. Such petition shall serve as a supersedeas, and pending final order of the disposition thereof, the original order shall be stayed unless the Commission otherwise orders.

2-1.9 Consumers' Utility Counsel.

In addition to other requirements of service and notice now imposed by law, a copy of any application, correspondence, complaint, pleading, paper or notice to or issued by the Georgia Public Service Commission shall also be served on the Consumers' Utility Counsel. The Commission shall not proceed to hear or determine any petition, complaint, or proceeding in which the Consumers' Utility Counsel is entitled to appear unless it shall affirmatively appear that the Consumers' Utility Counsel was given at least 10 days' written notice thereof. Such notice must be affirmatively waived in writing. The Consumers' Utility Counsel may appear and specifically waive such notice. Once the Commission has begun to hear or determine any such petition, complaint or proceeding of which prior notice was given or waived, the Commission shall thereafter issue such orders and take such action relating thereto as it may deem appropriate, and upon such notice to parties as it may deem appropriate. Whenever service of notice is perfected by mail, four days shall be added to the prescribed period. Proof of service of notice may be made by certificate or other proof satisfactory to the Commission, and shall create a rebuttable presumption of service.

2-2.1 Promulgation, Amendment, or Repeal of Rules.

Promulgation, amendment, or repeal of all rules adopted by the Commission in these chapters may be proposed, adopted and published by approval of a majority of the Commission as prescribed by law.

2-2.2 Suspension of Rules.

The Commission may, at its discretion, suspend or modify the enforcement of any of its rules, rates, fares, charges, orders or other regulations where, in its opinion, the conditions are such, in any particular instance, that a strict enforcement of such rules, rates, fares, charges, orders or other regulations would not be in the public interest.

2-2.3 Failure to Observe Rules.

Failure of any carrier subject to the jurisdiction of the Commission to comply with the Rules of the Commission, or any amendment thereto, shall be cause for suspension, revocation of a certificate, permit, or registration receipt, and/ or assessment of civil or criminal penalty.

2-3.1 Suspend, Revoke, Alter or Amend Certificate or Permit.

(a) The Commission may at any time, after notice and opportunity to be heard, suspend, revoke, alter or amend any certificate or permit, if it shall be made to appear that the holder has willfully violated or refused to observe orders, rules, or regulations prescribed by the Commission or provisions of the Motor Carrier Acts, or any other law of this State regulating or taxing motor vehicles, for hire, and applicable to the holder of such certificate, or if, in the opinion of the Commission, the motor carrier is unfit, or not furnishing adequate service, or it is no longer compatible with the public interest to continue said certificate or permit in force or the continuance of said certificate or permit is not in conformity with the spirit and purpose of the law.

(b) It shall be unlawful for a carrier to conduct any operations after their authority has been canceled or during a period in which the certificate or permit is in suspension.

2-4.1 Inspections by Commission's Representatives.

Commissioners or representatives of the Commission authorized to make inspections and to enforce these rules and regulations will be provided with a card of identification signed by the Chairman and duly attested by the Executive Director of the Commission. If in the course of carrying out their duties, a representative of the Commission is asked for identification, the representative shall display the identification card issued hereunder to such person making the request.

Such representatives shall have the right at any time to enter into or upon any motor vehicle being operated under the Motor Carrier Acts and to which these rules apply for the purpose of ascertaining whether or not the carrier is complying with the provisions of the law and the rules of the Commission.

Willful refusal of any motor carrier or operator thereof to stop or discontinue the use of any such motor vehicle until properly conditioned, when ordered to do so by the Commission or its representative or to permit such representative to enter into or upon the same for the purpose aforesaid, shall be sufficient grounds for suspension and/or revocation of the Certificate, Permit or Registration Receipt under which said carrier is operating as well as subjecting said carrier or persons to civil and/or criminal penalties provided for by law.

Representatives shall report all irregularities under this rule to the Commission. The Commission's jurisdiction under this rule is extended to include motor carrier stations, garages, offices, vehicles, and all records kept or required to be kept.